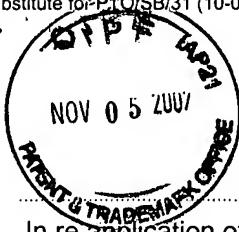


PATENT CASE NO. 21038P



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: XIE et al.

Serial No.: 10/509,293

Filed: September 23, 2004

Group Art Unit: 1648

Examiner: Chen, Stacy Brown

For: METHODS OF VIRUS PRODUCTION

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant(s) hereby appeal(s) to the Board of Appeals from the decision dated August 3, 2007 of the Examiner rejecting claims 5-15.

The item checked below is appropriate:

- Fee not required (Fee paid in prior appeal).
 Charge the \$510 fee to Deposit Account No. 13-2755.

(Duplicate copy of this Notice is enclosed herewith)

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account **13-2755**. Duplicate copies of this sheet are enclosed.

11/06/2007 EAYALEW1 00000004 132755 10509293

01 FC:1401 510.00 DA

Respectfully submitted,

By: Henry P. Wu

Attorney _____ for Applicant(s)

Reg. No. 44,412

MERCK & CO., INC.

Patent Department, RY60-30

P.O. Box 2000

Rahway, N.J. 07065-0907

(732)594-5312

IN DUPLICATE

DATE: November 2, 2007